

To: Medicaid Physicians, Pharmacies, FQHCs, Rural Health Clinics, Optometrists, Nurse Practitioners, Nursing Homes and Dentists

RE: Tamper-resistant Prescription Pads

The purpose of this notice is to clarify the Alabama Medicaid Agency's implementation of a provision of Public Law 110-28 (Iraq War Supplemental Appropriations bill) that mandates all non-electronic outpatient prescriptions provided to Medicaid recipients be executed on tamper-resistant pads.

For Alabama Medicaid Agency prescriptions written on and after April 1, 2008, a prescription must contain at least one of the characteristics listed below:

Required tamper-resistant characteristics One or more industry-recognized features designed to:		Examples include but are not limited to:
1	Prevent unauthorized copying of a completed or blank prescription form	<ul style="list-style-type: none">High security watermark on reverse side of blankThermochromic inkRepetitive pattern (i.e. "void" or "illegal") appears if copied
2	Prevent erasure or modification of information written on the prescription by the prescriber	<ul style="list-style-type: none">Tamper-resistant or "safety colored" background ink shows erasures or attempts to change written information
3	Prevent the use of counterfeit prescription forms	<ul style="list-style-type: none">Sequentially numbered blanksDuplicate or triplicate blanks

Effective for prescriptions written on and after October 1, 2008, a non-electronic/written prescription must contain all three characteristics listed.

This requirement applies to all non-electronic, legend and over-the-counter, written outpatient prescriptions when Alabama Medicaid Agency is the primary or secondary payer. Medicaid is committed to ensure providers are proactively educated regarding this new provision.

Drug Enforcement Administration and Alabama Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions still apply.

Although the Alabama Medicaid Agency will not endorse specific vendors that supply tamper-resistant pads, the Agency will strive to make available contact information for companies that provide compliant tamper resistant prescription pads at no charge to the prescriber.

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Exceptions to Tamper-resistant Rx Pads

Exemptions from the tamper-resistant requirement include prescriptions that are:

- E-prescribed, faxed to the pharmacy from the provider's office, or telephoned to the pharmacy by the provider
- Provided in inpatient facilities, intermediate care facilities for the mentally retarded (ICFMRs), and other inpatient institutional and clinical settings paid through the per diem
- Provided in nursing (long term care) facilities
- Refills for which the original prescription was written before April 1, 2008
- Provided to recipients deemed eligible for Medicaid retroactively (prescriptions filled after the date on which the recipient is determined eligible for Medicaid must be compliant)

Emergency Fills

Emergency fills for prescriptions written on non-tamper resistant pads are permitted as long as the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. In an emergency situation, this allows a pharmacy to telephone a prescriber to obtain a verbal order for a prescription written on a non-compliant prescription pad, or to otherwise obtain a prescription in a compliant form. If a compliant prescription cannot be obtained within 72 hours, the pharmacy must withdraw the claim.

Additional Resources

[U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007](#) (H.R. 2206), section 7002(b) *(For the actual provision, see page 132 at: http://www.rules.house.gov/110/special_rules/hr2206_senate/hr2206_amnd1_senate.pdf)*

Centers for Medicare & Medicaid Services (CMS) Letter to State Medicaid Director (SMDL #07-012, 8/17/2007) <http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>

Centers for Medicare & Medicaid Services (CMS) Frequently Asked Questions <http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf>

Alabama Medicaid Agency website on Tamper Resistant Prescriptions www.medicaid.alabama.gov

For questions regarding this ALERT, please contact the Alabama Medicaid Agency Pharmacy Services division at (334) 242-5050.

September 05, 2007

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